

REMARKS

Claims 1-23 are currently pending in the present application, with Claim 5 being amended, and new Claims 7-23 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claim 5 under 35 U.S.C. 101 as being directed to a non-statutory subject matter. Applicants have amended Claim 5 to more clearly claim the subject matter and respectfully submit that Claim 5 as amended is directed to a statutory subject matter under 35 U.S.C. 101.

The Examiner rejected Claims 1-8 under 35 U.S.C. 102(b) as being anticipated by Onodera (U.S. patent publication no. 2001/0026531). This rejection is respectfully traversed.

The present invention as claimed in Claim 1 is directed to a system for forming both recording data and pit art to an optical disk, the pit art being image forming data that can be used to label a disk (e.g., "my holiday music," etc.). Importantly, the present invention as claimed effects the writing of pit art (i.e., recited as the "second recording data") by formatting the pit art data into the same format as the recording data, after which image data is extracted from the formatted data for forming on the disk. In accordance with a preferred embodiment as discussed in the present application, the format of data to be used may be of the EFM (eighth-fourteen modulation) format (as shown in Fig. 9 of the present application), where the EFM encoding takes place via the encoder 17 shown in Fig. 1 of the present application. The present invention offers the advantage of achieving formation of both recording data and pit art images using the same writing circuitry and with minimal change in recording configuration.

Onodera does not contain any disclosure or suggestion of formatting pit art data such that the pit art data share format attributes with the recording data. Paragraphs [0098] through [0128] of

Onodera discuss the formation of recording data and how it differentiates from the formation of pit art data. Specifically, as discussed on paragraph [0098], the encoder 36 in Onodera performs EFM on recording data D1, generating writing data D2 based on D1 for printing on the optical disk. At the same time, as discussed in paragraph [0111], the pit art data is converted into bit map data ("Dbmp") for writing to the optical disk. As explained in paragraph [0112], Dbmp is supplied to the encoder 36 as a series of single dot pit art data Dp, which is used to write the pit art to the optical disk (see also paragraph [0128]). Consequently, the recording data and the pit art data, as disclosed in Onodera, do not share the same data format, as required by the limitations of Claim 1 (and similarly in Claims 5 and 6). Accordingly, Applicants respectfully submit that Claims 1-6 are not anticipated by, nor obvious in view of, Onodera.

New claims 7-23 have been added to claim additional aspects of the present invention, and are submitted as in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5587 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032041900.

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Respectfully submitted,

By _____
David T. Yang

Registration No.: 44,415
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200